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Emergency Preparedness and Response Directorate of the Department of Homeland Security

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Summary

The Homeland Security Act of 2002 (P.L. 107-296) requires the Emergency Preparedness and Response Directorate (EPR) of the Department of Homeland Security (DHS) to coordinate federal emergency management activities. The law consolidates federal emergency authorities and resources into EPR—but not terrorism preparedness activities, which are administered by the Border and Transportation Security Directorate within DHS. This report provides summaries of and references to the entities that constitute EPR, as well as brief statements of issues that may come before the 108th Congress. This report will be updated as significant events implementing the legislation occur.

Overview of Provisions

The Homeland Security Act of 2002 establishes the Emergency Preparedness and Response (EPR) Directorate of the Department of Homeland Security (DHS).¹ The mission of EPR is to improve the Nation's capability to reduce losses from all disasters, including terrorist attacks. Specific responsibilities for EPR set out in the legislation for all disasters, including terrorist attacks, are the following:

- promote the effectiveness of emergency responders;
- support the Nuclear Incident Response Team through standards, training exercises, and provision of funds to named federal agencies;
- provide the federal response by managing, directing, overseeing, and coordinating specified federal resources;
- aid recovery;

¹ Section 501, P.L. 107-296.

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- build an intergovernmental national incident management system to guide responses;
- consolidate existing federal response plans into one; and,
- develop programs for interoperative communications for emergency responders.²

The statute transfers the functions, assets, personnel, and liabilities of the following six entities into EPR—

1. the Federal Emergency Management Agency (FEMA), except terrorism preparedness;³
2. the Integrated Hazard Information System previously administered by the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce;⁴
3. the National Domestic Preparedness Office of the Federal Bureau of Investigation and related functions of the Attorney General;
4. the Domestic Emergency Support Teams of the Department of Justice and related functions of the Attorney General;
5. the Office of Emergency Preparedness and related functions of the Secretary of the Department of Health and Human Services (HHS) and the Assistant Secretary for Public Health Emergency Preparedness; and,
6. the Strategic National Stockpile of HHS and related functions of the Secretary.⁵

A seventh entity, the Nuclear Incident Response Team (NIRT)—which is organized, equipped, and trained by the Department of Energy and the Environmental Protection Agency—has not been transferred to EPR but will continue to operate as an organizational unit of EPR at the direction of the Secretary of DHS, as needed.⁶ Short profiles of the seven entities begin on page 3 of this report.

The Act also:

- directs the HHS Secretary to set goals and priorities and to collaborate with the Secretary of DHS in developing a coordinated strategy (including benchmarks and outcome measures for evaluating progress) for all public health-related activities to improve state, local, and hospital preparedness;
- summarizes the role of FEMA to include “leading and supporting” a national emergency management program involving the preparation for, reduction of risks, response to, and recovery from, “any hazard” and

² Sec. 502, P.L. 107-296.

³ Section 430 of P.L. 107-296 transfers terrorism preparedness responsibilities of FEMA’s Office of National Preparedness to the Office for Domestic Preparedness to be established in the Border and Transportation Security Directorate of DHS.

⁴ The Act renames the system “FIRESAT.” Section 503(2) of P.L. 107-296.

⁵ Section 503 of P.L. 107-296.

⁶ Sections 504 and 506 of P.L. 107-296.

serving as lead agency for the *Federal Response Plan*, which must be revised;

- requires the DHS Secretary to use private sector resources to respond to disasters “to the maximum extent practicable;” and,
- expresses the sense of Congress that, “to the maximum extent possible,” commercially available technologies should be used by DHS.⁷

Profiles of EPR Components

Federal Emergency Management Agency. The Federal Emergency Management Agency (FEMA) assists individuals, states and localities, and certain non-profit organizations that have been overwhelmed by significant catastrophes, including terrorist attacks. Federal emergency management assistance administered by FEMA includes funding the reconstruction of damaged public facilities, providing cash grants to victims of disasters, and facilitating access to temporary housing, among other types of aid. FEMA also provides disaster planning and preparedness aid to state and local governments, coordinates federal emergency management activities, and takes the lead on planning for the continuity of much of the federal government should national security be threatened.⁸

Integrated Hazard Information System (IHIS). IHIS was transferred from the National Oceanic and Atmospheric Administration (NOAA) to DHS, and its name was changed to “FIRESAT.”⁹ IHIS, originally named the “Hazards Support System (HSS),” was a classified information system developed by the Department of Defense (DOD) in 1997 to compile data obtained from various satellites and sensors, such as those used to detect ballistic missiles and others which continuously monitor weather conditions in the United States. The Raytheon Company built HSS at a cost of nearly \$27 million. In late 2000, after DOD tested the system, HSS was turned over to the U.S. Geological Survey (USGS) in the Department of the Interior and renamed IHIS, where it would be used to detect wildfires and volcanic eruptions around the world. However, Congress directed USGS to cease expenditures on IHIS, apparently because of concerns about unauthorized reprogramming of those funds.¹⁰ Since then, no funding has been authorized for IHIS. The agreement by Congress and the Administration to move IHIS to DHS included “the transfer of workstations, software, documentation, and its communications component.”¹¹ However, the President did not request funding for FIRESAT for FY2004. During debate

⁷ Sections 505- 509 of P.L. 107-296.

⁸ For more information see: CRS Report RL31359, *Federal Emergency Management Agency Funding for Homeland Security and Other Activities*, by Keith Bea; and the FEMA website at: [<http://www.fema.gov/about/what.shtm>], visited Dec. 6, 2002.

⁹ Section 503, P.L. 107-296.

¹⁰ Personal communication with Helen M. Wood, Director, Office of Satellite Data and Processing and Distribution, NOAA, Silver Spring, December 3, 2002.

¹¹ Ibid.

on the rule to debate forest fire legislation (H.R. 1904) one Member of Congress raised questions about the status of FIRESAT technology.¹²

National Domestic Preparedness Office. Through the National Domestic Preparedness Office (NDPO), the Federal Bureau of Investigation (FBI) led the earliest efforts to coordinate federal assistance to first responders in the area of domestic terrorism preparedness. NDPO was established in the FBI by order of the Attorney General in August 1998 to serve as a single point of contact—a “one-stop shop”—through which state and local authorities could seek interagency assistance in the areas of planning, training, equipment, and exercises to better prepare for domestic terrorist incidents—particularly those involving weapons of mass destruction (WMDs). NDPO’s role was not operational, and the Office was not responsible for producing intelligence, preempting terrorist attacks, directly responding to terrorists attacks, or conducting investigations. Prior to the homeland security debate, the functions of NDPO were transferred from the FBI to FEMA as part of a wider and earlier effort by the Bush Administration to consolidate all federal domestic preparedness programs in a single agency. One 2002 news report stated that “the office has been defunct since last year and has no employees, but it never has been officially closed.”¹³

Domestic Emergency Support Teams. The Domestic Emergency Support Team (DEST) is a stand-by interagency team of experts that can be quickly assembled in accordance with pre-event scenarios and led by the FBI to provide an on-scene commander (Special Agent in Charge) with advice and guidance in situations involving a weapon of mass destruction (WMD), or other significant domestic threat. Such DEST guidance could range from information management and communications support to instructions on how to best respond to the detonation of a chemical, biological, or nuclear weapon, or a radiological dispersal device. As specialized predesignated teams, DEST has no permanent staff at the FBI or at any other federal agency.

Office of Emergency Preparedness. The Office of Emergency Preparedness (OEP), previously part of HHS, is responsible for coordinating the federal government’s emergency medical response to all types of terrorist attacks and natural disasters. This responsibility includes managing the National Disaster Medical System (NDMS).¹⁴ The NDMS is a partnership of four federal agencies (HHS, FEMA, the Department of Defense and Veterans Affairs), state and local governments, and the private sector. It consists of more than 8,000 volunteer health professionals and support personnel organized into disaster assistance teams that can be activated and deployed anywhere in the country to assist state and local emergency medical services. OEP also administers the Metropolitan

¹² Rep. Curt Weldon, Providing for Consideration of H.R. 1904, Healthy Forests Restoration Act of 2003, *Congressional Record*, daily edition, vol. 149, May 20, 2003, p. H4277. For further discussion on FIRESAT, see “Integrated Hazards Management System,” in CRS Report RL31791, *Emergency Management Funding for the Department of Homeland Security*, at <http://www.congress.gov/erp/rl/pdf/RL31791.pdf>, visited June 18, 2003.

¹³ Jason Peckenpaugh, “Homeland Security Bill Would Reorganize Federal First Responder Programs,” *GovExec.com*, Nov. 14, 2002, at: www.govexec.com/dailyfed/1102/111402pl.htm, visited November 20, 2002. For background information see: [<http://www.fbi.gov/congress/congress00/dwatson.htm>], visited Dec. 6, 2002.

¹⁴ For more information on the NDMS see: [<http://ndms.dhhs.gov>], visited Apr. 1, 2003.

Medical Response System (MMRS) program, which provides funding to cities that upgrade and improve their own planning and preparedness to respond to mass-casualty events. A total of 122 municipalities are now participating in the MMRS program¹⁵

Strategic National Stockpile. The Strategic National Stockpile (formerly the National Pharmaceutical Stockpile) includes pharmaceuticals, vaccines, and other medical supplies that can be deployed in the event of a bioterrorist attack or any other public health emergency. The stockpile has two components: (1) Push Packages, each consisting of a 50-ton shipment of preassembled medical supplies, which can be delivered to any location in the country within 12 hours; and (2) Vendor Managed Inventory packages, tailored to provide medical supplies specific to a suspected or confirmed biological or chemical agent.¹⁶

Nuclear Incident Response Team. The Nuclear Incident Response Team (NIRT) consists of certain radiological and nuclear emergency capabilities of the Department of Energy (DOE) and the Environmental Protection Agency (EPA). The DOE portion of NIRT is the Nuclear Weapons Incident Response program in the National Nuclear Security Administration. This includes the Nuclear Emergency Support Team (NEST),¹⁷ the Radiological Assistance Program (RAP),¹⁸ and other elements, including a small component devoted to detection of biological agents. Approximately 900 individuals are involved in the Nuclear Weapons Incident Response program, but only 70 of these are full time, with the remainder drawn as needed from their primary responsibilities in DOE's nuclear weapons program. The EPA portion of NIRT is the Radiological Emergency Response Team (RERT).¹⁹

Issue Summary

Members of the 108th Congress monitoring the impact of the consolidation of these functions into EPR might examine such issues as the following:

- FEMA retains responsibility for “leading and supporting the Nation in a comprehensive, risk-based emergency management program.”²⁰ With the transfer of terrorism preparedness functions from FEMA to the Office of Domestic Preparedness (ODP) in the Border and Transportation Security Directorate (BTS) of DHS, extra effort will be required to coordinate FEMA's preparedness activities with those administered by ODP.

¹⁵ For more information see: [<http://mmrs.hhs.gov>], visited Apr. 1, 2003.

¹⁶ For more information see: [<http://www.cdc.gov/nceh/nps>], visited Dec. 6, 2002 .

¹⁷ See: [http://www.nv.doe.gov/news&pubs/dirpdfs/NEST_Final_June2002.pdf], visited Dec. 9, 2002.

¹⁸ For information on RAP see: [<http://www.gjo.doe.gov/rap/>], visited Dec. 9, 2002.

¹⁹ For more information see: [<http://www.epa.gov/radiation/rert/>], visited Dec. 9, 2002.

²⁰ Section 507(a)(2) of P.L. 107-296.

- The Administration's reorganization plan indicates that the EPR directorate will focus on response and recovery.²¹ Issues may arise as to whether adequate attention is being given to preparedness and mitigation activities.
- While the Act transferred the DEST functions from the FBI to the EPR Directorate, it is likely that the FBI will need to maintain some capabilities along the lines of DEST in order to respond to domestic terrorist incidents as the Nation's lead investigative agency. How will coordination be achieved within DHS?
- The incorporation of IHIS into EPR is intended to facilitate collaboration and sharing of federal resources that can contribute to federal disaster response efforts. Are any of these systems or capabilities redundant? How will concerns over access to classified or secure information be addressed?
- The transfer of OEP, along with other emergency response teams and assets, may improve coordination among federal programs, consolidate program management and oversight, and reduce the points of contact for state and local officials. With the focus on homeland security, however, public health officials stress that it is important for the EPR to develop strong relationships with HHS to help ensure that OEP and NDMS maintain their responsibilities for responding to natural disasters.
- Although the Homeland Security Act transferred the functions, personnel, and assets of the Strategic National Stockpile to the EPR, the law mandates that the HHS Secretary continue to manage the stockpile and determine and procure its contents. The precise role of EPR, therefore, remains unclear. Some analysts emphasize the stockpile's utility in the event of a naturally occurring public health emergency, recommend that deployment decisions be made in consultation with CDC and other public health agencies, and that oversight be fully integrated with the nation's public health system.
- Among other responsibilities, the statute charges FEMA with "leading and supporting the Nation in a comprehensive, risk-based emergency management program."²² However, the statute provides authority for the Directorate for Information Analysis and Infrastructure Protection, not EPR, to engage in risk assessment.²³ How will the results of such assessments be communicated to EPR administrators?

²¹ Of the seven categories of functions described in the President's reorganization plan, five focus on response and recovery activities and two refer to preparedness activities. See: U.S. President (Bush), *Department of Homeland Security Reorganization Plan*, (Washington, Nov. 25, 2002), pp. 14-15.

²² Section 507(a)(2) of P.L. 107-296.

²³ Section 201(d) of P.L. 107-296.